

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

AMSOUTH BANK

PLAINTIFF

VS.

CASE NO. 3:06CV416HTW-LRA

**FRAZIER DEVELOPMENT, LLC;
C.E. FRAZIER, JR.; H. CLAIBORNE FRAZIER;
And AUSTIN W. FRAZIER**

DEFENDANTS

VS.

ERGON - FRAZIER DEVELOPMENT I, LLC

GARNISHEE-DEFENDANT

ANSWER TO WRIT OF GARNISHMENT

COMES NOW Ergon - Frazier Development I, LLC (“Ergon – Frazier”) and responds to the Writ of Garnishment served upon it by AMSOUTH BANK as follows:

1. Ergon – Frazier is not currently indebted to the Defendants, was not indebted to Defendants at the time of the service of the writ on it, and has not at any time since been indebted to Defendants. Ergon – Frazier has accrued on its books developer’s fees (plus accrued interest through August 31, 2007) for the account of Frazier Development, LLC totaling \$252,037.77. Ergon – Frazier and Frazier Development, LLC previously agreed that these fees will not be paid until sufficient funds become available through a sale of the center to make payment without impairing the financial condition or resources of the company. Thus, the developer’s fees are not currently due and it is uncertain when, if ever, they will become due.

2. Ergon - Frazier has no effects of the Defendants and had none at the time of the

service of this writ on it nor has it had any such effects in its possession or under its control since the service of the writ.

3. Ergon - Frazier is unaware of any other person or entity that is indebted to the Defendants.

4. Ergon - Frazier is unaware of any effects of the Defendants in the possession or control of any other person or entity.

5. Defendants are not employees of Ergon - Frazier.

This the 12th day of October, 2007.

Respectfully submitted,

Ergon - Frazier Development I, LLC

By: /s/ C. Stephen Stack, Jr.

C. Stephen Stack, Jr., MSB # 10768

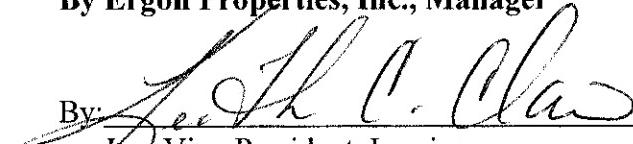
OF COUNSEL:

J. Kevin Watson (MSB # 6991)
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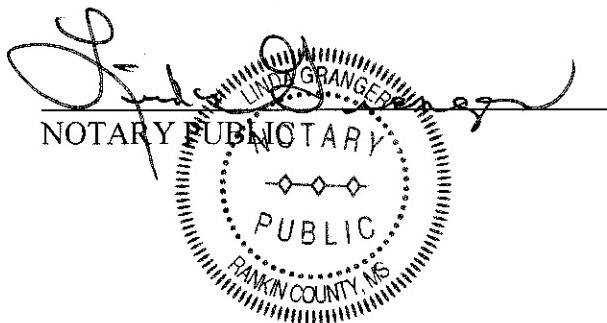
VERIFICATION

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the said county and state, within my jurisdiction, the within named Keith Clair, Vice-President, Leasing/Management of Ergon Properties, Inc., in its capacity as Manager of Ergon - Frazier Development I, LLC, who states under oath that the above Answer to Writ of Garnishment is correct to the best of his knowledge.

**Ergon Frazier Development I, LLC
By Ergon Properties, Inc., Manager**

By: 
Its' Vice-President, Leasing

SWORN TO AND SUBSCRIBED before me, this the 12th day of October, 2007.



My Commission Expires:

NOTARY PUBLIC STATE OF MISSISSIPPI AT LARGE
MY COMMISSION EXPIRES: Jan 22, 2011
BOUNDED THRU NOTARY PUBLIC UNDERWRITERS

CERTIFICATE OF SERVICE

I, C. Stephen Stack, Jr., do hereby certify that I have this day electronically filed the above and foregoing document with the Clerk of the Court using the ECF system. Electronic notification of such filing was sent to the following counsel of record:

Jeffrey R. Barber, Esq.
WATKINS, LUDLAM WINTER & STENNIS, P.A.
P. O. Box 427
Jackson, MS 39205-0427

Dated this the 12th day of October, 2007.

/s/ C. Stephen Stack, Jr.
C. Stephen Stack, Jr.